

ANTONIO VITOLO and JAKE'S BAR
AND GRILL, LLC,

Plaintiffs,

V.

ISABELLA CASILLAS GUZMAN

Defendant.

Case No. 3:21-cv-176

Judge Travis R. McDonough

Magistrate Judge Debra C. Poplin

ORDER

Before the Court is Plaintiffs Antonio Vitolo and Jake's Bar and Grill, LLC's emergency motion for an injunction pending appeal (Doc. 23). The Court **DENIES** Plaintiffs' motion.

A party must ordinarily move first in the district court for an order granting an injunction while an appeal is pending. Fed. R. App. P. 8(a)(1). If the district court denies the party's motion for an injunction or fails to afford the moving party the requested relief, a motion may then be made to the court of appeals or one of its judges. Fed. R. App. P. 8(a)(2).

“To obtain an injunction, the movant must show that the four factors—the likelihood of success on the merits, irreparable harm to the movant, harm to other parties, and the public’s interest—support an injunction.” *Reeder v. BSI Fin. Servs.*, No. 19-5086, 2019 U.S. App. LEXIS 33948, at *1–2 (6th Cir. Nov. 13, 2019) (citing *Overstreet v. Lexington-Fayette Urban Cnty. Gov’t*, 305 F.3d 566, 573 (6th Cir. 2002)) (partial citations omitted); *see also Catholic Diocese of Nashville v. Sebelius*, No. 13-6640, 2013 U.S. App. LEXIS 25936, at *5–6 (6th Cir.

Dec. 31, 2013) (citations omitted). These factors are identical to those considered by the Court in denying Plaintiffs' motion for temporary restraining order. (Doc. 24, at 8.)

Therefore, for the reasons stated in the Court's memorandum opinion denying Plaintiffs' motion for temporary restraining order (*see generally* Doc. 24), Plaintiffs' motion for an injunction is **DENIED**.

SO ORDERED.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE